

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

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|---------------------------|---|---------------------|
| In Re: | § | |
| SILICA PRODUCTS LIABILITY | § | |
| LITIGATION | § | MDL Docket No. 1553 |
| | § | |

ORDER NO. 34

On this day came to be considered Dr. Barry S. Levy's Motion for Leave to Submit His File Directly to the Court ("Motion for Leave"). In his Motion for Leave, Dr. Levy, through counsel,¹ "requests leave of Court to produce directly to the Court a complete copy of his Silica MDL litigation file." (Mot. for Leave at 2.) Dr. Levy, who has been designated as having diagnosed approximately 1,389 MDL Plaintiffs with silicosis, seeks to produce a complete copy of his "litigation file" "[s]o as to satisfy Order No. 31, and to fully ensure that all ordered documents and items have been produced to the Court for placement in the document depository."² (Mot. for Leave at 2.)

¹ The Motions for Pro Hac Vice (d.e. 1971 & 1972) of Dr. Levy's counsel, Scott M. Browning and Thomas J. Dougherty, are hereby GRANTED.

² Order No. 31 provides in relevant part:
As agreed to by Attorney Scott Hooper during the [August 22, 2005] status conference, Mr. Hooper shall fully comply with Order No. 25 (including but not limited to filing affidavits from each diagnosing physician ... stating that all ordered documents/items have been supplied to counsel for placement in the document depository and/or x-ray repository) no later than September 6, 2005.
(Order No. 31 ¶ 8.) Dr. Levy was designated as the diagnosing physician for many of Mr. Hooper's MDL Plaintiffs.

The Court hereby GRANTS Dr. Levy's Motion for Leave. No later than September 16, 2005, Dr. Levy shall file with the document depository and/or x-ray repository a complete copy of all documents/items in his possession and control which are responsive to Orders No. 25 and 31. Prior to filing these documents/items, Dr. Levy shall contact Liaison Counsel to learn the appropriate procedure for filing documents/items with the document depository and/or x-ray repository. Also, no later than September 16, 2005, Dr. Levy shall file a notice with the Court certifying that he has complied with this Order.

SIGNED and ENTERED this 7th day of September, 2005.

A handwritten signature in black ink, reading "Janis Graham Jack", is written over a horizontal line.

Janis Graham Jack
United States District Judge